39

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 5490 of 2007

PETITIONER Khemuram Vishwakarma, Son of Shri Ramlal Vishwakarma, aged about 57 years, Revenue Inspector, Mahasamund, R/o. Civil Line Mahasamund, Tahsil and District Mahasamund (C.G.)

Versus

RESPONDENTs

1. The State of Chhattisgarh Through: Secretary Department of Revenue, D.K.S. Bhawan Raipur (C.G.)
2. Under Secretary, Department of Revenue, D.K.S. Bhawan, Raipur (C.G.)
3. The Collector, Mahasamund, District Mahasamund (C.G.)
4. Joint Collector, Mahasamund, District Mahasamund (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Raghvendra Pradhan, counsel for the petitioner.

Shri A.S. Kachhawaha, Govt. Advocate for the State, on advance copy.

ORAL ORDER
(18.09.2007)

SUNIL KUMAR SINHA, J.

Heard.

Being aggrieved with the order dated 21.07.2007 (Annexure-P/1), by which the petitioner, who is working on the post of Revenue Inspector, has been transfer from Land Records Branch, District Office Mahasamund to Tehsil Saraipali on administrative grounds, the petitioner has preferred this Writ Petition.

Learned counsel for the petitioner argues that many times, the petitioner has been locally shifted in various offices in the township of Mahasamund but this time, he has been ordered to go on transfer from Mahasamund to Saraipali. He also submits that since many local shiftings were made in the case of the petitioner and thereafter, the petitioner has been transferred from Mahasamund to Saraipali, therefore, this order is an outcome of malafide. He further submits that when one

earlier local shifting order, passed by the Secretary, was not complied, the petitioner had made a representation to the Collector, which is also one of the reason that the petitioner has been sent from Mahasamund to Saraipali.

I have considered the point raised by the learned counsel for the petitioner and have also perused the documents filed along with the writ petition.

Earlier the petitioner was locally shifted in various offices at Mahasamund itself and this time by order dated 21.7.2007, he has been transferred from Mahasamund to Saraipali. On being pointedly asked from learned counsel for the petitioner that from which date the petitioner is posted at Mahasamund, he submits that the petitioner is posted at Mahasamund since 5.1.99.

After considering the facts and circumstances of the case and after perusal of the records filed along with writ petition, it does not appear to me that this order passed on 21.7.2007 after retaining the petitioner at Mahasamund for about 8 years, was passed on malafide. The ground raised by the petitioner that the order vitiates by malafide cannot be accepted.

The transfer is an exigency of service and nobody posted/working on a transferable post can claim for his posting at a particular place. It is for the employer to see as to who should be posted at which place and unless the order of transfer is shown to be vitiated by malafides or passed on extraneous considerations or is against any statutory Rule or the Act, it cannot be interfered by a Court of law, is the settled view of the Apex Court.

There appears to be no ground in the writ petition for interference by this Court. The petition has no merits and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

vatti